IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND EIGHT

PRESENT
**THE HON'BLE MRS JUSTICE T.MEENA KUMARI**
**and**
**THE HON'BLE MR JUSTICE G.CHANDRAIAH**

**WRIT PETITION NO : 16147 of 2006**

Between:
V. Krishna Mohan S/o. Demudu
R/o. Door No. 14-6-5/7, Anthony Nagar, Maharanipeta, Visakhaptnam.
**..... PETITIONER**

AND

1 The Government of Andhra Pradesh, Rep. by its Secretary, to Government, Tribal Welfare Department,
2 The Government of Andhra Pradesh, Rep. by its Secretary, to Government, Social Welfare Department,
3 The Government of Andhra Pradesh, Rep. by its Secretary, to Government, Panchayat Raj Department,
4 The Engineer-in-Chief, Panchayat Raj Engineering Service, Errum Manzil, Hyderabad.
5 Mohd. Qamuruddin, Chief Engineer, Tribal Welfare Department, Hyderabad.
**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of a writ of Quo Warranto, calling for the records pertaining to the promotion of the fifth respondent as Deputy Executive Engineer and further promotions including the current post of Chief Engineer and declare that the fifth respondent is not entitled to hold the post of Chief Engineer, A.P. Tribal Welfare Engineering Service and also issue consequential directions to post the fifth respondent back to his substantive post of Assistant Engineer in A.P. Panchayat Raj Engineering Service and pass such other order or orders as this Hon'ble Court may deem fit and proper.

**Counsel for the Petitioner:MR.S.SATYAM REDDY**

**Counsel for the Respondents.: GP FOR SOCIAL WELFARE &**

**GP FOR PANCHAYAT RAJ & RURAL DEV.**

**The Court made the following :**

**THE HON'BLE SMT. JUSTICE T.MEENA KUMARI**
**&**
**THE HON'BLE SRI. JUSTICE G.CHANDRAIAH**

**WRIT PETITION NO :16147 of 2006**

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**ORDER: (**Per the Honourable Smt. Justice T.Meena Kumari)

This writ petition is filed seeking to call for the records pertaining to the promotion of the 5th respondent as Deputy Executive Engineer and further promotions including the current post of Chief Engineer and declare that the 5th respondent is not entitled to hold the post of Chief Engineer, A.P., Tribal Welfare Engineering service and also issue consequential directions to post the 5th respondent back to his substantive post of Assistant Engineer in A.P. Panchayat Raj Engineering Service.

It is the case of the writ petitioner that he is a native of Kothur village of Jami Mandal, Vizianagaram District, which falls in the Scheduled Tribe constituency of Srungavarapukota and he conducted the tribal educational programmes. He filed the above writ petition in the interest of public contending that having come to know that the 5th respondent is not legally holding the office of the Chief Engineer, Tribal Welfare, he made enquiries and found that a writ of quo-warranto viz., W.P.No.3036 of 2005 was already filed against the 5th respondent, but the same was withdrawn and that according to the documents in W.P.No.3036 of 2005 and the sequence of events go to show that the 5th respondent remained in Hyderabad, the whole of his service, and manipulated and created the orders in his favour and in fact, the 5th respondent is not even eligible to become a Deputy Executive Engineer as he did not

possess the qualification of a Degree in Engineering and that the seniors to him are still working as only Asst. Engineers. But, however, being only a diploma Engineer, the 5th respondent has become the Chief Engineer, which is the highest post in the department.

In the counter-affidavit filed on behalf of respondents 1 and 2, it is stated that the petitioner has made several allegations without any basis. The service of the 5th respondent was taken into the Tribal Welfare Department and the orders were passed by the Competent authority in absorbing his services in the post of DEE, vide G.O.Rt.No.614, Social Welfare (V) dated 17.10.1990 and subsequently, orders were passed in G.O.Rt.No.674, dated 24.8.1994 by regularizing his services in the post of DEE. After taking into consideration his eligibility and recommendations of the DPC, the 5th respondent was given promotions from time to time and recently, he was promoted to the post of Chief Engineer as per the orders of the Government in G.O.Ms.No.56, dated 7.7.2004 and since then, he is working as such and there is no deviation of any rules in considering the eligibility criteria in granting promotions to the 5th respondent. It is further stated that earlier, the Government issued orders in G.O.Rt.No.316, SW (SCP.II) Department, dated 14.5.1990 directing the Managing Director, APSCCFC Ltd., to retain the services of the 5th respondent in the Corporation keeping in view of the extension of the period of deputation by the Government in PR & RD Department whereas the absorption of the individual in TWED was made vide G.O.Rt.No.614, SW (V) Department, dated 17.10.1990 and that the Principal Secretary to Government, Social Welfare Department vide Letter dated 26.5.1998 informed the Lokayukta of A.P. that the absorption of the 5th respondent was considered by the Government after thorough examination and

satisfaction and due process of the rules and regulations governing the absorption. It is further stated that the petitioner himself fabricated the orders and filed into the Court contending that the 5th respondent has manipulated the records. But, the fact remains that the petitioner himself manipulated the records. It is further contended that the 5th respondent has passed the Associate Membership Examination (known as Chartered Engineer Examination) Section 'A' & 'B' which is equivalent to B.E. Mechanical and therefore, the contention of the petitioner is baseless. Therefore, the writ petition is liable to be dismissed.

Heard the learned Counsel for the petitioner as well as the learned Government Pleader and perused the material available on record.

On a perusal of the material available on record, it is apparent that the petitioner except stating that the 5th respondent is not entitled to be promoted as Chief Engineer as he does not possess Engineering qualification and he made enquiries in this regard and found that the records have been manipulated, nothing was placed before this Court to substantiate his contentions. It is the case of the petitioner that in the interest of public, he filed the above writ petition. Since the allegations pertain to the services of an employee, the petitioner has to approach the appropriate forum instead of filing this writ petition by attributing baseless allegations. Apart from that, the petitioner has not chosen to file any reply to the counter-affidavit wherein it is made clear that the entire process has been done according to the procedure and as per the D.P.C recommendations. Silence on the part of the petitioner as to the allegations attributed against the 5th respondent and the official respondents without adducing any material and without filing any reply to the counter affidavit, leads to draw an adverse inference

against the attitude of the petitioner.

In this view of the matter, We have no hesitation to hold that the present writ petition is devoid of merits and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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Justice T.Meena Kumari

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Justice G. Chandraiah

Dated:25.4.2008

Gurc/nn

**THE HON'BLE SMT. JUSTICE T.MEENA KUMARI**
**&**
**THE HON'BLE SRI. JUSTICE G. CHANDRAIAH**

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**WRIT PETITION NO :16147 of 2006**
**(Division Bench Order delivered by Honourable Smt. Justice T.Meena Kumari)**

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